

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AARON STEWART, an individual, and
TIERRA HARVEST, LLC, a
Washington State corporation,

Plaintiffs,

v.

CITY OF TACOMA,

Defendant.

CASE NO. C23-5786 BHS

ORDER

This matter is before the Court on Plaintiffs Aaron Stewart and Tierra Harvest LLC's counsel's motion to withdraw and request for a continuance. Dkt. 120. Citing Washington Rule of Professional Conduct (RPC) 1.16(a)–(b), counsel allege they are obligated to withdraw due to irreconcilable differences relating to liabilities and damages in this case. *Id.*; Dkt. 121 at 1–2. Attorney Neil Lindquist states Stewart has instructed counsel “to effectuate a course of action to which [he] fundamentally disagree[s] with the Client.” *Id.* at 2. Stewart and Tierra Harvest seek a temporary stay or a 90-day continuance of all pending deadlines while they obtain new counsel. Dkt. 120 at 3.

1 Defendant City of Tacoma opposes the motion to withdraw as counsel and the
2 request for a stay, arguing in part that withdrawal of plaintiffs' counsel would be grossly
3 prejudicial to Tacoma. Dkt. 125 at 7–8.

4 RPC 1.16(a) provides a mandatory basis for a lawyer's withdrawal of
5 representation. A claim of prejudice does not supersede a lawyer's ethical obligations to
6 withdraw from representation pursuant to RPC 1.16(a), particularly in circumstances, as
7 in this case, where trial is currently scheduled for more than 100 days away. And,
8 Tacoma's potentially dispositive summary judgment motion, Dkt. 85, has been
9 thoroughly briefed by the parties (Dkts. 94, 100, 103, 105, 108, 111).

10 Plaintiffs' counsel's motion to withdraw is **GRANTED**. The Court accepts
11 without further inquiry counsel's assessment that the need to withdraw is mandatory
12 under the RPC. The Court will address the summary judgment motion in a separate order.
13 All other deadlines are continued for 45 days. The trial date is NOT stricken; the Court
14 RESERVES continuing the trial date and modifying the scheduling order as necessary.

15 **It is so ORDERED.**

16 Dated this 29th day of May, 2025

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19 BENJAMIN H. SETTLE
20 United States District Judge
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